

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

CONTRACT SECURITY FORCES, LLC,

Plaintiff

v.

Civil Action No. 1:17-cv-00814-LO-TCB

PHILADELPHIA INDEMNITY
INSURANCE COMPANY,

Defendant

DEFENDANT'S CROSS MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, Defendant Philadelphia Indemnity Insurance Company ("PIIC"), by counsel, hereby makes this Cross Motion for Judgment on the Pleadings (the "Cross Motion") and in support of the Cross Motion states as follows:

1. Application of the "Eight Corners Rule" of assessment of an insurer's duty to defend indicates that PIIC had no duty to defend Apple, Inc. in the underlying litigation, *Simmons and Green v. Apple, Inc.*, Civil Case No. 8:17-CV-617 (the "Simmons/Green Complaint").

2. The Apple Litigation does not allege facts that give Apple the status of an Additional Insured under the Policy.

3. Even if the Simmons/Green Complaint did allege facts sufficient to make Apple an Additional Insured, the Policy does not provide coverage for the allegations made by Simmons and Green.

4. Contract Security Forces, LLC (“CSF”) has not alleged (and could not prove) a claim for bad faith under Virginia Code § 38.2-209. Even if CSF had sufficiently alleged such a claim, there are disputed issues of fact that make bad faith inappropriate for summary disposition.

5. Together with this Motion, PIIC has filed a supporting brief.

Wherefore, Defendant Philadelphia Indemnity Insurance Company, by counsel, prays that the Court grant its Cross Motion for Judgment on the Pleadings, enter judgment in its favor and against Contract Security Forces, LLC, and grant such other and further relief as the Court may deem appropriate.

Respectfully submitted,

PHILADELPHIA INDEMNITY
INSURANCE COMPANY

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of November, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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